

**DEPARTMENT OF THE ARMY  
HEADQUARTERS, JOINT READINESS TRAINING CENTER AND FORT  
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CIVILIAN PERSONNEL  
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**FEDERAL EMPLOYEES PARTICIPATION IN POLITICAL ACTIVITIES**  
**HATCH ACT**

1. Under the 1939 Hatch Act, Federal employees faced significant restrictions on their ability to participate in political activities. Congress amended the Hatch Act in 1993 to permit more political activity by Federal employees. With the 1993 amendments, many Federal employees (including Army civilian employees) are now permitted to take an active part in political management or in political campaigns. However, the penalties for violating the Hatch Act restrictions are very severe. Most violations are subject to removal.

2. The following activities are generally **permitted activities** for Federal employees:

a. Participation in **Nonpartisan Activities**. An employee may:

(1) Take an active part in political activities, including political management and political campaigns, to the extent not expressly prohibited by law or OPM regulations;

(2) Express his or her opinion privately and publicly on subjects;

(3) Be politically active in connection with a question which is not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a municipal ordinance, or any other question or issue of a similar character;

(4) Participate in the nonpartisan activities of a civic, community, social, labor, or professional organization, or of a similar organization; and

(5) Participate fully in public affairs, except as prohibited by other Federal law, in a manner which does not compromise his or her efficiency or integrity as an employee or the neutrality, efficiency, or integrity of the United States Government or the District of Columbia Government in which he or she is employed.

b. Participation in **Political Organizations**. An employee may:

- (1) Be a member of a political party or other political group and participate in its activities;
- (2) Serve as an officer of a political party or other political group, a member of a national, State, or local committee or a political party, an officer or member of a committee of a political group, or be a candidate for any of these positions;
- (3) Attend and participate fully in the business of nominating caucuses of political parties;
- (4) Organize or reorganize a political party organization or political group;
- (5) Participate in a political convention, rally, or other political gathering; and
- (6) Serve as a delegate, alternate, or proxy to a political party convention.

c. Participation in **Political Campaigns**. Subject to the prohibitions in paragraph 3e below and 5 CFR 734.306, an employee may:

- (1) Display pictures, signs, stickers, badges, or buttons associated with political parties, candidates for partisan political office, or partisan political groups, as long as these items are displayed in accordance with the provisions of paragraph 3e below and 5 CFR 734.306;
- (2) Initiate or circulate a nominating petition for a candidate for partisan political office;
- (3) Canvass for votes in support of or in opposition to a partisan political candidate or a candidate for political party office;
- (4) Endorse or oppose a partisan political candidate or a candidate for political party office in a political advertisement, broadcast, campaign literature, or similar material;
- (5) Address a convention, caucus, rally, or similar gathering of a political party or political group in support of or in opposition to a partisan political candidate or a candidate for political party office; and
- (6) Take an active part in managing the political campaign of a partisan political candidate or a candidate for political party office.

d. Participation in **Elections**. An employee may:

- (1) Register and vote in any election;
- (2) Act as a recorder, watcher, challenger, or similar officer at polling places;

(3) Serve as an election judge or clerk, or in a similar position; and

(4) Drive voters to polling places for a partisan political candidate, partisan political group, or political party.

e. Candidacy for **Public Office**. An employee may:

(1) Run as an independent candidate in a partisan election covered by 5 CFR part 733; and

(2) Run as a candidate in a nonpartisan election.

f. Participation in **Fundraising**.

(1) An employee may make a political contribution to a political party, political group, campaign committee of a candidate for public office in a partisan election, and multi-candidate political committee of a Federal labor or Federal employee organization.

(2) Subject to the prohibitions stated in paragraph 3b below and 5 CFR 734.303, an employee may:

(a) Attend a political fundraiser;

(b) Accept and receive political contributions in a partisan political election as described in 5 CFR, part 733;

(c) Solicit, accept, or receive uncompensated volunteer services from any individual; and

(d) Solicit, accept, or receive political contributions, as long as:

(i) The person who is solicited for a political contribution belongs to the same Federal labor organization, or Federal employee organization, as the employee who solicits, accepts, or receives the contribution;

(ii) The person who is solicited for a political contribution is not a subordinate employee; and

(iii) The request is for a contribution to the multicandidate political committee of a Federal labor organization or to the multicandidate political committee of a Federal employee organization in existence on October 6, 1993.

(3) Subject to the provisions of paragraph 3e below and 5 CFR 734.306, an employee may make a financial contribution to a political action committee through a voluntary allotment made under 5 CFR 550.311(b), if the head of the

employee's agency permits agency employees to make such allotments to political action committees.

(4) An employee who is covered under 5 CFR 734 and is a payroll official in an agency where employees are permitted to make allotments to a political action committee may process the completed direct deposit forms for voluntary allotments which have been made to such committees under 5 CFR 550.311(b).

3. The following activities are generally prohibited activities for Federal employees:

**a. Use of Official Authority Prohibition.**

(1) An employee may not use his or her official authority or influence for the purpose of interfering with or affecting the result of an election.

(2) Activities prohibited by paragraph (1) above include, but are not limited to:

(a) An employee using his or her official title while participating in political activity;

(b) An employee using his or her authority to coerce any person to participate in political activity; and

(c) An employee soliciting, accepting, or receiving uncompensated individual volunteer services from a subordinate for any political purpose.

**b. Fundraising. An employee may not knowingly:**

(1) Personally solicit, accept or receive a political contribution from another person, except under the circumstances specified in paragraph 2f above;

(2) Personally solicit political contributions in a speech or keynote address given at a fundraiser;

(3) Allow his or her official title to be used in connection with fundraising activities; or

(4) Solicit, accept, or receive uncompensated volunteer services from an individual who is a subordinate.

c. Candidacy for **Public Office**. An employee may not run for the nomination or as a candidate for election to a partisan political office, except as specified in paragraph 2e above and 5 CFR 734.207.

d. Soliciting or discouraging the political participation of certain persons.

(1) An employee may not knowingly solicit or discourage the participation in any political activity of any person who has an application for any compensation grant, contract, ruling, license, permit, or certificate pending before the employee's employing office.

(2) An employee may not knowingly solicit or discourage the participation in any political activity of any person who is the subject of, or a participant in, an ongoing audit, investigation, or enforcement action being carried out by the employee's employing office.

(3) Each agency or instrumentality of the United States or District of Columbia Government shall determine when a matter is pending or ongoing within the employing offices of the agency or instrumentality for the purposes of this part.

**e. Participation in political activities while on duty, in uniform, in any room or building occupied in the discharge of official duties, or using a Federal vehicle. An employee may not participate in political activities:**

(1) While he or she is on duty;

(2) While he or she is wearing a uniform, badge, insignia, or other similar item that identifies the employing agency or instrumentality or the position of the employee;

(3) While he or she is in any room or building occupied in the discharge of official duties by an individual employed or holding office of the United States or any agency or instrumentality thereof; or

(4) While using a Government-owned or leased vehicle or while using a privately-owned vehicle in the discharge of official duties.

f. Campaigning for a **Spouse or Family Member**. An employee who is the spouse or family member of either a candidate for partisan political office, candidate for political party office, or candidate for public office in a nonpartisan election is subject to the same prohibitions as other employees covered under the Amendment.

**4. Jurisdiction.**

a. The United States Office of Special Counsel has exclusive authority to investigate allegations of political activity prohibited by the Hatch Act Reform Amendments of 1993, as implemented by 5 CFR part 734, prosecute alleged violations before the United States Merit Systems Protection Board, and render advisory opinions concerning the applicability of 5 CFR part 734 to the political activity of Federal employees and employees of the District of Columbia Government. Advice concerning the Hatch Act Reform Amendments may be

requested from the Office of Special Counsel by letter addressed to the Office of Special Counsel, 1730 M Street NW., Suite 300, Washington, DC 20036, or by telephone on (202) 653-7188, or (1-800) 854-2824.

b. The Merit Systems Protection Board has exclusive authority to determine whether a violation of the Hatch Act Reform Amendments of 1993, as implemented by 5 CFR part 734, has occurred and to impose a minimum penalty of suspension for 30 days and a maximum penalty of removal for violation of the political activity restrictions.

## **5. Definitions.**

a. **Candidate** means an individual who seeks nomination or election to any elective office whether or not the person is elected. An individual is deemed to be a candidate if the individual has received political contributions or made expenditures or has consented to another person receiving contributions or making expenditures with a view to bringing about the individual's nomination or election.

b. **Campaign** means all acts done by a candidate and his or her adherents to obtain a majority or plurality of the votes to be cast toward a nomination or in an election.

c. **Election** includes a primary, special, runoff, or general election.

d. **Federal employee organization** means any lawful nonprofit organization, association, society, or club composed of Federal employees.

e. **Federal labor organization** means an organization composed in whole or in part of employees, in which employees participate and pay dues, and which has as a purpose the dealing with an agency concerning grievances and conditions of employment.

f. **Multi-candidate political committee** means an organization defined in 2 USC 4441a(a)(4).

g. **Nonpartisan election** means:

(1) An election in which none of the candidates is to be nominated or elected as representing a political party any of whose candidates for Presidential elector received votes in the last preceding election at which Presidential electors were selected; or

(2) An election involving a question or issue which is not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a municipal ordinance, or any question or issue of a similar character.

h. **Partisan** when used as an adjective means related to a political party.

i. **Partisan political group** means any committee, club, or other organization which is affiliated with a political party or candidate for public office in a partisan election, or organized for a partisan purpose, or which engages in partisan political activity.

j. **Partisan political office** means any office for which any candidate is nominated or elected as representing a party any of whose candidates for Presidential elector received votes in the last preceding election at which Presidential electors were selected, but does not include any office or position within a political party or affiliated organization.

k. **Political Action Committee** means any committee, association, or organization (whether or not incorporated) which accepts contributions or makes expenditures for the purpose of influencing, or attempting to influence, the nomination or election of one or more individuals to Federal, State, or local elective public office.

l. **Political Activity** means an activity directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group.

m. **Political contribution** means any gift, subscription, loan, advance, or deposit of money or anything of value, made for any political purpose.

(1) A political contribution includes:

(a) Any contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for any political purpose:

(b) Any payment by any person, other than a candidate or a political party or affiliated organization, of compensation for the personal services of another person which are rendered to any candidate or political party or affiliated organization without charge for any political purpose; and

(c) The provision of personal services, paid or unpaid, for any political purpose.

(2) A political contribution does not include the value of services provided without compensation by any individual who volunteers on behalf of any candidate, campaign, political party, or partisan political group.

n. **Political management** means the direction or supervision of a partisan political group or campaign for partisan political office.

o. **Political party** means a national political party, a State political party, or an affiliated organization.

p. **Political purpose** means an objective of promoting or opposing a political party, candidate for partisan political office, or partisan political group.

6. Questions concerning the information contained in this Civilian Personnel Bulletin may be directed to your servicing Civilian Personnel Advisory Center, at telephone number 531-4020.

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